

April 30, 1999

Ron Helsel
Lodge Secretary/Club Manager
BPOE #540
301 North Second Street
Clearfield, PA 16830

Dear Mr. Helsel:

ISSUE: This office is in receipt of your April 5, 1999 e-mail in which you requested, as the manager of Club Catering License No. CC-224, something in writing which would illustrate to your governing body that it was illegal for your catering club to advertise 'open to the public.'

OPINION: Generally, club licensees are prohibited from selling alcoholic beverages to non-members. However, catering club licensees, such as BPOE #540, may 'cater' to groups of nonmembers. 'Catering' has been defined in the Board's Regulations as 'the furnishing of liquor or malt or brewed beverages, or both, to be served with food prepared on the premises or brought onto the premises already prepared, for the accommodation for groups of nonmembers who are using the facilities of the club by prior arrangement, made at least twenty-four hours in advance of the time for private meetings or functions, such as dances, card parties, banquets and the like; and which is paid for by the nonmembers.' [40 Pa. Code Section 5.83]. The prohibition on selling alcohol to nonmembers does not, however preclude your club from being open to the public for sales of food alone. While it is not illegal to advertise 'open to the public,' you might want to make it clear that alcohol is not available to the public.

I have enclosed a copy of section 5.83 of the Board's Regulations for your review.

Please do not hesitate to contact this office if you have any questions.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

Enclosure

cc: Pennsylvania State Police-
Bureau of Liquor Control Enforcement

Refer to: (717) 783-9454
FAX: (717) 787-8820

LCB Advisory Opinion No. 99-145